



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,415	05/05/2006	Andrew Thomas Busey	104128-213601/US	1667
64494 7590 06/08/2009 GREENBERG TRAUIG, LLP (SV) IP DOCKETING 2450 COLORADO AVENUE SUITE 400E SANTA MONICA, CA 90404				
EXAMINER RUBIN, BLAKE J				
ART UNIT 2457		PAPER NUMBER		
MAIL DATE 06/08/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/578,415

**Applicant(s)**

BUSEY, ANDREW THOMAS

**Examiner**

BLAKE RUBIN

**Art Unit**

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-15 and 17-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7, 10-15, and 17-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to communications filed April 2, 2009.
2. This application claims priority, under 35 U.S.C. 371, to PCT/US05/13068, which claims priority to provisional applications 60/563,705, 60/563,706, 60/563,719, 60/563,713, and 60/563,615, all of which were filed on April 20, 2004.
3. Claims 1-7, 9-15, 17-23 are pending in this application. Claims 1, 9, and 17 are currently amended.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-7, 9-15, and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang (US Patent No. 6,865,599, hereinafter Zhang) in view of Wong et al (U.S. Patent No. 6,708,172, hereinafter Wong), in view of O'Brien et al (U.S. Patent Application Publication No. 2002/0133561, hereinafter O'Brien).**
6. With respect to claim 1, Zhang discloses a computer implemented method (column 4, lines 1-2), comprising:

Receiving, via a computing device having at least one first information handling system, of a user, an excerpt of information associated with the user (column 9, lines 3-4);

in response to receiving the excerpt, automatically translating, via the computing device, the excerpt into an XML format (column 9, lines 5-6), to be compatible for operation (column 9, lines 13-15) with at least one second information handling system of the user (column 9, lines 10-12);

the translated excerpt including a user-specified item of music (column 14, lines 41-44); and

synchronizing, via the computing device, the translated excerpt with the second information handling system (column 9, lines 10-12).

But does not disclose:

translating into a compatible XML format without further translation,  
saving the translated excerpts in folders associated with the users, or  
a third information handling system.

However, Wong discloses communicating with a third information handling system associated with a server (column 16, lines 36-38; column 18, lines 51-62).

It would have been obvious to one skilled in the art at the time the invention was made to combine the cross platform exchange of Zhang with the server synchronization of Wong because a neutral party provides additional security and authentication by validating all end users of the system (Wong, column 18, lines 51-54).

However, O'Brien discloses translating into a compatible XML format without further translation (paragraph [0092], lines 8-11).

Saving, via the computing device, the translated excerpt (paragraph [0133], lines 1-3) in a first personal folder associated with a user of the first information handling system (paragraph [0144]; Figure 13, X:\ **1322**),

a version of the translated excerpt saved (paragraph [0133], lines 1-3) in a second personal folder associated with the user of the second information handling system (paragraph [0143]; Figure 13, My Computer Window **1310**).

It would have been obvious to one skilled in the art at the time the invention was made to combine Zhang and Wong with the internet storage drive and directory hierarchy of O'Brien because reducing the amount of translations increases the processing efficiency of the method.

7. With respect to claim 2, the combination of Zhang, Wong, and O'Brien discloses the method of claim 1, Zhang further discloses the excerpt has a non-XML format (column 8, lines 22-24), and wherein automatically translating (column 8, lines 24-26) comprises:

in response to the excerpt, automatically translating the excerpt from the non-XML format into the XML format (column 8, lines 24-26), to be compatible for operation with the second information handling system (column 9, lines 13-15).

8. With respect to claim 3, the combination of Zhang, Wong, and O'Brien discloses the method of claim 1, Zhang further discloses the excerpt has an alternate XML format (column 8, lines 28-30), and wherein automatically translating (column 8, lines 52-54) comprises:

in response to the excerpt, automatically translating the excerpt from the alternate XML format into a generic XML format (column 8, lines 28-30, and 52-54; *whereby the XPointer, the alternate XML format, is translated to a generic XML format, similarly to the DOM Event Model for cross platform exchange*), to be compatible for operation with the second information handling system (column 9, lines 13-15).

9. With respect to claim 4, the combination of Zhang, Wong, and O'Brien discloses the method of claim 1, Zhang further discloses saving the XML-formatted excerpt (column 7, lines 36-37) in a personal folder of the user (column 31, lines 18-21).

10. With respect to claim 5, the combination of Zhang, Wong, and O'Brien discloses the method of claim 1, Zhang further discloses the XML-formatted excerpt (column 7, lines 36-37) is a user-specified website (column 6, lines 27-29).

11. With respect to claim 6, the combination of Zhang, Wong, and O'Brien discloses the method of claim 1, Zhang further discloses the XML-formatted excerpt (column 7, lines 36-37) is a user-specified search query (Figure 26).

12. With respect to claim 7, the combination of Zhang, Wong, and O'Brien discloses the method of claim 1, Zhang further discloses the XML-formatted information (column 7, lines 36-37) is a user-specified search result (Figure 26).

13. With respect to claim 9, Zhang discloses a computer system, comprising:

A computing device having at least one first information handling system of a user (column 4, lines 1-2) for:

receiving an excerpt of information associated with the user (column 9, lines 3-4);  
in response to receiving the excerpt, automatically translating the excerpt into an XML format (column 9, lines 5-6), to be compatible for operation (column 9, lines 13-15) with at least one second information handling system of the user (column 9, lines 10-12);

the translated excerpt including a user-specified item of music (column 5, lines 13-17); and

synchronizing the translated excerpt with the second information handling system (column 9, lines 10-12).

But does not disclose:

translating into a compatible XML format without further translation,  
saving the translated excerpts in folders associated with the users, or  
a third information handling system.

However, Wong discloses communicating with a third information handling system associated with a server (column 16, lines 36-38; column 18, lines 51-62).

It would have been obvious to one skilled in the art at the time the invention was made to combine the cross platform exchange of Zhang with the server synchronization of Wong because a neutral party provides additional security and authentication by validating all end users of the system (Wong, column 18, lines 51-54).

However, O'Brien discloses translating into a compatible XML format without further translation (paragraph [0092], lines 8-11).

saving the translated excerpt (paragraph [0133], lines 1-3) in a first personal folder associated with a user of the first information handling system (paragraph [0144]; Figure 13, X:\ **1322**),

a version of the translated excerpt saved (paragraph [0133], lines 1-3) in second personal folder associated with the user of the second information handling system (paragraph [0143]; Figure 13, My Computer Window **1310**).

It would have been obvious to one skilled in the art at the time the invention was made to combine Zhang and Wong with the internet storage drive and directory hierarchy of O'Brien because reducing the amount of translations increases the processing efficiency of the method.

14. With respect to claim 10, the combination of Zhang, Wong, and O'Brien discloses the system of claim 9, Zhang further discloses the excerpt has a non-XML format (column 8, lines 22-24), and wherein the first information handling system is for:

in response to receiving the excerpt, automatically translating (column 8, lines 24-26) the excerpt from the non-XML format into the XML format (column 8, lines 24-



26), to be compatible for operation with the second information handling system (column 9, lines 13-15).

15. With respect to claim 11, the combination of Zhang, Wong, and O'Brien discloses the system of claim 9, Zhang further discloses the excerpt has an alternate XML format (column 8, lines 28-30), and wherein the first information handling system is for:

in response to receiving the excerpt, automatically translating (column 8, lines 52-54) the excerpt from the alternate XML format into a generic XML format (column 8, lines 28-30, and 52-54; *whereby the XPointer, the alternate XML format, is translated to a generic XML format, similarly to the DOM Event Model for cross platform exchange*), to be compatible for operation with the second information handling system (column 9, lines 13-15).

16. With respect to claim 12, the combination of Zhang, Wong, and O'Brien discloses the system of claim 9, and Zhang further discloses the first information handling system is for: saving the XML-formatted excerpt (column 7, lines 36-37) in a personal folder of the user (column 31, lines 18-21).

17. With respect to claim 13, the combination of Zhang, Wong, and O'Brien discloses the system of claim 9, Zhang further discloses the XML-formatted excerpt (column 7, lines 36-37) is a user-specified website (column 6, lines 27-29).

18. With respect to claim 14, the combination of Zhang, Wong, and O'Brien discloses the system of claim 9, Zhang further discloses the XML-formatted excerpt (column 7, lines 36-37) is a user-specified search query (Figure 26).

19. With respect to claim 15, the combination of Zhang, Wong, and O'Brien discloses the system of claim 9, Zhang further discloses the XML-formatted information (column 7, lines 36-37) is a user-specified search result (Figure 26).

20. With respect to claim 16, the combination of Zhang, Wong, and O'Brien discloses the system of claim 9, Zhang further discloses the XML-formatted information (column 7, lines 36-37) is a user-specified item of music (column 5, lines 13-17).

21. With respect to claim 17, Zhang discloses a computer program product stored on a tangible computer readable medium (column 3, lines 26-29), comprising:

at least one computer program processable by at least one first information handling system, comprising a computing device, of a user (column 4, lines 1-2) for causing the first information handling system to:

receive an excerpt of information associated with the user (column 9, lines 3-4);  
in response to receipt of the excerpt, automatically translate the excerpt into an XML format (column 9, lines 5-6), to be compatible, without further translation, for operation (column 9, lines 13-15) with at least one second information handling system of the user (column 9, lines 10-12);

the translated excerpt including a user-specified item of music (column 5, lines 13-17); and

synchronize the translated excerpt with the second information handling system (column 9, lines 10-12); and

apparatus from which the computer program is accessible by the first information handling system (column 4, lines 1-2).

But does not disclose:

translating into a compatible XML format without further translation,  
saving the translated excerpts in folders associated with the users, or  
a third information handling system.

However, Wong discloses communicating with a third information handling system associated with a server (column 16, lines 36-38; column 18, lines 51-62).

It would have been obvious to one skilled in the art at the time the invention was made to combine the cross platform exchange of Zhang with the server synchronization of Wong because a neutral party provides additional security and authentication by validating all end users of the system (Wong, column 18, lines 51-54).

However, O'Brien discloses translating into a compatible XML format without further translation (paragraph [0092], lines 8-11).

saving the translated excerpt (paragraph [0133], lines 1-3) in a first personal folder associated with a user of the first information handling system (paragraph [0144]; Figure 13, X:\ **1322**),

a version of the translated excerpt saved (paragraph [0133], lines 1-3) in second personal folder associated with the user of the second information handling system (paragraph [0143]; Figure 13, My Computer Window **1310**).

It would have been obvious to one skilled in the art at the time the invention was made to combine Zhang and Wong with the internet storage drive and directory hierarchy of O'Brien because reducing the amount of translations increases the processing efficiency of the method.

22. With respect to claim 18, the combination of Zhang, Wong, and O'Brien discloses the computer program product of claim 17, Zhang further discloses the excerpt has a non-XML format (column 8, lines 22-24), and wherein the computer program is processable by the first information handling system for causing the first information handling system to:

in response to receipt of the excerpt, automatically translate the excerpt (column 8, lines 24-26) from the non-XML format into the XML format (column 8, lines 24-26), to be compatible for operation with the second information handling system (column 9, lines 13-15).

23. With respect to claim 19, the combination of Zhang, Wong, and O'Brien discloses the computer program product of claim 17, Zhang further discloses the excerpt has an alternate XML format (column 8, lines 28-30), and wherein the computer program is

processable by the first information handling system for causing the first information handling system to:

in response to receipt of the excerpt, automatically translate (column 8, lines 52-54) the excerpt from the alternate XML format into a generic XML format (column 8, lines 28-30, and 52-54; *whereby the XPointer, the alternate XML format, is translated to a generic XML format, similarly to the DOM Event Model for cross platform exchange*), to be compatible for operation with the second information handling system (column 9, lines 13-15).

24. With respect to claim 20, the combination of Zhang, Wong, and O'Brien discloses the computer program product of claim 17, Zhang further discloses the computer program is processable by the first information handling system for causing the first information handling system to: save the XML-formatted excerpt (column 7, lines 36-37) in a personal folder of the user (column 31, lines 18-21).

25. With respect to claim 21, the combination of Zhang, Wong, and O'Brien discloses the computer program product of claim 17, Zhang further discloses the XML-formatted excerpt (column 7, lines 36-37) is a user-specified website (column 6, lines 27-29).

26. With respect to claim 22, the combination of Zhang, Wong, and O'Brien discloses the computer program product of claim 17, Zhang further discloses the XML-formatted excerpt (column 7, lines 36-37) is a user-specified search query (Figure 26).

27. With respect to claim 23, the combination of Zhang, Wong, and O'Brien discloses the computer program product of claim 17, Zhang further discloses the XML-formatted (column 7, lines 36-37) information is a user-specified search result (Figure 26).

28. With respect to claim 24, the combination of Zhang, Wong, and O'Brien discloses the computer program product of claim 17, Zhang further discloses the XML-formatted information (column 7, lines 36-37) is a user-specified item of music (column 5, lines 13-17).

#### ***Response to Arguments***

29. Applicant's arguments filed April 2, 2009 have been fully considered but they are not persuasive.

30. With respect to the combination of Zhang, Wong, and O'Brien, the applicant argues that the combination of such prior art is incompatible, and thus would result in an inoperative system.

31. The examiner respectfully disagrees. While the examiner concedes that both Wong and O'Brien focus on client-server architectures, and Zhang's focus is on peer-to-peer architectures, Zhang also teaches the compatibility of a peer-to-peer architecture with the traditional client-server architecture. Zhang's peer-to-peer architecture allows for one such peer to "act" like a server to simulate the traditional architecture when

using HTTP (column 11, lines 35-39), and thus would be fully compatible in combination with O'Brien and Wong, to achieve the functionality recited in the claims as written.

32. With respect to claim 1, the applicant argues that Zhang fails to disclose *the translated excerpt including a user-specified item of music*.

33. The examiner respectfully disagrees. Zhang discloses that in the case of communicating events resulting from Macromedia's Flash Player the events themselves must carry information pertaining to the media type, and specifically, will include a Flash movie object to achieve the synchronized actions (column 14, lines 1-12). The same mechanics would be used for playing Flash audio, as cited in the rejection above.

34. With respect to claim 1, the applicant argues that the combination of Zhang and Wong fails to disclose *synchronizing, via the computing device, the translated excerpt with the second information handling system by communicating with a third information handling system associated with a server*.

35. The examiner respectfully disagrees. As argued above, Zhang discloses one such peer to "act" like a server to simulate the traditional architecture when using HTTP (column 11, lines 35-39), thereby allowing for such a third information handling system to be associated with a server. In addition, the server of Wong allows for synchronizing of proxy storage-spatial definitions and contents-proxy tracking (column 18, lines 51-62), whereby the synchronization of proxy sheets are updated periodically (column 12, lines 46-52).

36. With respect to claim 1, the applicant argues that the combination of Zhang, Wong, and O'Brien fails to disclose *saving, via the computing device, the translated excerpt in a first personal folder associated with a user of the first information handling system*.

37. The examiner respectfully disagrees. In fact, O'Brien not only discloses translation, but further discloses translation into an XML format (paragraph [0094]). Furthermore, the examiner contends that the submission of the URL is consistent with the aforementioned events of Zhang, in that the user may initiated such a submission via the mechanics laid out in Zhang (Figure 13, clickable interface).

38. With respect to claim 1, the applicant argues that the combination of Zhang, Wong, and O'Brien fails to disclose *a version of the translated excerpt saved in a second personal folder associated with the user of the second information handling system*.

39. The examiner respectfully disagrees. The examiner disagrees with the applicants contention that the claims, as written, call for the user of the second information handling system to be *different* than the user of the first information handling system. Thus, O'Brien's disclosure of multiple folders, using multiple computers, sufficiently teaches all the features included in the claims. Specifically, Figure 13 displays the local computers folders and file structure (where *My Computer* is a first



information handling system), as well as a remote computers folders and file structure (where X:\ a second information handling system).

### ***Conclusion***

40. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BLAKE RUBIN** whose telephone number is (571) 270-3802. The examiner can normally be reached on **M-R: 8:00-5:00**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ario Etienne** can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/26/09

/Rubin Blake/  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457